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Environmental Quality Council

QNEWS

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Box 215, Capitol Station, Helena, Mt. 59601

Senator Elmer Flynn, Chairman

Fletcher E. Newby, Executive Director

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-PROPOSED SUBDIVISION RULES AND DRAFT EIS OBTAINABLE

-DNRC BOARD MEETING DATE CHANGED

-NEW ENVIRONMENTAL IMPACT STATEMENTS

SARPY CREEK DRAFT EIS AVAILABLE

Draft environmental impact statements (EIS) on the controversial Westmoreland Resources mining plan and strip mine permit application for Sarpy Creek Mine in Big Horn County have been released by the Bureau of Indian Affairs (BIA) and the Department of State Lands.

The statements were released publicly October 1 and 19 (respectively), pursuant to the requirements of the National Environmental Policy Act and the Montana Environmental Policy Act. The two EIS were cooperatively prepared, but because data presented in the BIA statement either is not discussed or is discussed only minimally by the state lands statement, both statements are needed for understanding of the proposed actions.

The BIA statement is available from the Bureau of Indian Affairs, Planning Support Group, 316 N. 26th St., Billings, Mt. 59101. Comment must be received by the Planning Support Group by November 19, 1973.

The state lands impact statement can be obtained from the Staff Services

Division, Montana Department of State Lands, Capitol Station, Helena, Mt. 59601. Comment must be received by the Staff Services Division by November 18, 1973.

A public hearing by the two agencies will be November 6 at Crow Agency in Sun Lodge at 10 a.m.

Westmoreland has already committed itself heavily in capital investments at Sarpy Creek, which puts tremendous pressure on the Department of State Lands to approve their permits to mine. For example, Westmoreland has:

- contracted with Burlington Northern to ship coal by unit train over a new 36-mile track to the main BN line.

- begun mine site preparation and construction of haul roads, rail loop, crusher, storage facilities, tipple, and drag line.

- signed contracts with four Midwest utilities to supply 76.5 million tons of coal, with delivery scheduled to begin April 1, 1974.

Westmoreland plans under consideration by the BIA and the Department of State Lands call for the strip mining of 77 million tons of coal over a 20-year period from two sections of the Westmoreland lease. This tract is estimated to contain about 625 million tons of coal recoverable by strip mining. The annual level of production will necessitate stripping about 50 acres a year, with an additional 75 acres buried the first year by overburden from the box cut. This area is now agricultural; livestock and grain lead production.

Direct economic impacts of the proposed development are purported to result in combined wage and royalty annual income of \$1.4 million to the Crow Indians and \$.8 million to non-Indians. Application of an income multiplier results in a total direct mining income of \$4.18 million in Treasure and Big Horn counties.

Displacement of ranchers in the mining area is predicted to be minimal, with grazing continuing until mining occurs and again if reclamation and revegetation are successful. Some area ranchers claim that threats of condemnation were made by Westmoreland in efforts to acquire surface rights.

Westmoreland estimates that it will take a minimum of two years and possibly five years for the revegetated area to become established. Therefore an estimated 250-400 acres at a time will be out of production once full scale mining is in progress.

PROPOSED SUBDIVISION RULES AND DRAFT EIS OBTAINABLE

The proposed rules to implement the Montana Subdivision and Platting Act (SB 208) and the draft environmental impact statement (EIS) on the rules are available from the Department of Intergovernmental Relations, Division of Planning and Economic Development, Helena, Mt. 59601.

Distribution of the proposed rules and draft EIS began Oct. 26. The Department would like to receive comment on the proposed rules and the draft EIS by Nov. 26, at which time there will be a public hearing in Helena at the Highway Department auditorium at 2 p.m.

SB 208 directs the Division of Planning and Economic Development to prescribe minimum rules and requirements for local subdivision regulation and uniform surveying and monumentation standards by December 31, 1973. To comply with the act, the rules must be published in the December Administrative Register, the deadline for which is December 14.

The division distributed more than 700 copies of a discussion draft of the model regulations, beginning September 10. Also, the division held 10 public meetings throughout the state in September.

The final requirements and regulations will be prepared in light of comments received from the discussion draft, the September public meetings, the now proposed regulations, the draft EIS, and the public hearing.

DNRC BOARD MEETING DATE CHANGED

The meeting at which the Board of Natural Resources and Conservation will decide whether to grant a permit for a weather modification proposal in the South Fork of the Flathead drainage has been changed from November 16 to November 20. The meeting, open to the public, will be at 9 a.m. The board has not yet decided where the Helena meeting will be.

NEW ENVIRONMENTAL IMPACT STATEMENTS

<u>STATE</u>			
<u>Date Received</u>	<u>Subject</u>	<u>Lead Agency</u>	
10-16-73	Safeguard Extraordinary Maintenance Conrad Sts. & Midway Rd. Midway Rd. located 3 mi. S. of Conrad to have 2" of gravel resurfacing and Conrad city sts. to have soft spots repaired and 2" of plant mix overlay applied.	Hwy.	N
10-18-73	Montana Forest Practices Act and recommended rules for implementation. (Holdover SB 405 Rev.) Proposed act will vest in Mont. Board of Natural Resources & Conservation authority to develop and enforce rules designed to assure growing and harvesting of forest tree species. To protect soil, air and water resources.	DNR&C	D
10-19-73	Jefferson River Acres, A Proposed Subdivision in Broadwater Co. Section 28, W. bank of Jefferson River adjacent to old Hwy. 10. 15.159 acres divided into 11 lots.	DHES	D
10-19-73	Westmoreland Resources' Sarpy Creek Mine-Big Horn County. Proposed strip mining operation on Ceded Strip which comprises an area, (not on the	St. Lands	D

STATE

<u>Date Received</u>	<u>Subject</u>	<u>Lead Agency</u>	
	reservation), in which the Crow Indians hold the mineral rights and private landowners hold the surface rights. Mine will be located in Upper Sarpy Creek drainage 25-30 mi. E. of Hardin. Westmoreland proposes total disturbance of 1,280 acres over a 20-yr. period.		
10-26-73	Swan Sites III Subdivision in Lake Co., Mt. Three strips of land, 155 acres, to be divided into 26 lots. Third block of subdivision located near outlet of Swan Lake, preceded by Swan Sites I, already developed, and Swan Sites II in process of submittal and approval.	DHES	N
10-29-73	Proposed Rules to Implement the Mont. Subdivision and Platting Act, (Sec. 11-3859 - 11.3876 , R.C.M. 1947 - formerly SB 208.) Promulgation of minimum requirements for subdivision regulations to be adopted by local governing bodies pursuant to Mont. Subdivision and Platting Act.	IGR	D

FEDERAL

10-31-73	Proposed Plan of Mining & Reclamation, Big Sky Mine, Peabody Coal Co., Colstrip, Mt. Plan proposes extension of existing mine in privately owned Sec. 27 into federally owned coal as the initial step in long-term mining of much of the 4,306.55 acre lease. Coal ownership checkerboarded with federal govt. and Burlington Northern owning alternate land sections. The land surface is privately owned.	USDI/GS	D
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D - Draft statement	Hwy - Highway Department
EW - Emergency Waiver	DNR&C - Dept. of Natural Resources & Conservation
F - Final statement	DHES - Dept. of Health & Environmental Sciences
N - Negative declaration	St.Lands - Department of State Lands
	IGR - Intergovernmental Relations
	USDI/GS - U.S. Department of Interior, Geological Survey

NOTE: Copies of impact statements may be obtained by writing the issuing agency.



MONTANA LAND USE CONFERENCE

Thursday, November 8, 1973

9:00 a.m. to 2:00 p.m. - Registration
 2:00 p.m. to 4:00 p.m. - Meet the Press - Moderator - John Newman, City Editor, Billings Gazette
 6:00 p.m. to 7:00 p.m. - no host cocktail hour
 7:00 p.m. - Dinner - Dr. David Brower - "Land - An Overview"

Friday, November 9, 1973

8:30 a.m. to 10:00 a.m. - Breakfast - George W. O'Connor - "Relationship of Man and Land"
 10:00 a.m. to 12:00 a.m. - Panel I - "Montana's Need For A Land Use Policy" - Dr. Les Pengelly, University of Montana, Moderator
 12:00 a.m. to 1:30 p.m. - Lunch - Hon. John Melcher - "Montana's Relationship to the National Land Use Act"
 2:00 p.m. to 4:00 p.m. - Panel II - "National Land Use Action and Programs" - Dr. Wilson Clark, Eastern Montana College, Moderator
 5:30 p.m. to 7:00 p.m. - no host cocktail hour
 7:00 p.m. - Dinner - Wayne Aspinall - "Man and the Environment"

Saturday, November 10, 1973

8:30 a.m. to 10:00 a.m. - Breakfast - Amy Roosevelt - "Human Rights vs Property Rights"
 10:00 a.m. to 12:00 a.m. - Panel III - "Demands of Montana's Lands VS Its Capabilities" - Steve Brown, Environmental Assistant to the Governor of Montana, Moderator
 12:00 a.m. to 1:30 p.m. - Lunch - David Calfee - "Focus on Local Problems"
 1:30 p.m. to 3:30 p.m. - Panel IV - "The Politics of Land Planning" - Duane W. Bowler, Editor, Billings Gazette, Moderator
 3:45 p.m. to 5:30 p.m. - Panel V - "Future Land Use Policies" - Frank McChesney, Dept. of Intergovernmental Relations, Moderator
 5:30 p.m. to 7:00 p.m. - no host cocktail hour
 7:00 p.m. - Dinner - A. B. Guthrie, Jr. - "Land and Its Future Uses"

Conference to be held at the Northern Hotel, Billings, Montana November 8, 9, 10
 Sponsored by the Montana Committee for the Humanities
 Gr. Stevens, Director

Keynote Speakers

Dr. David Brower - Founder, Friends of The Earth
 Mr. George W. O'Connor - President, Montana Power Company
 Hon. John Melcher - U.S. Congressman, Montana 2nd District
 Mr. Wayne Aspinall - Former Congressman, Colorado
 Miss Amy Roosevelt - Social Scientist, Denver, Colorado
 Mr. David Calfee - Environmental Policy Center, Washington, D.C.
 Mr. A. B. Guthrie, Jr. - Novelist, Pulitzer Prize winner, Missoula, Mont.

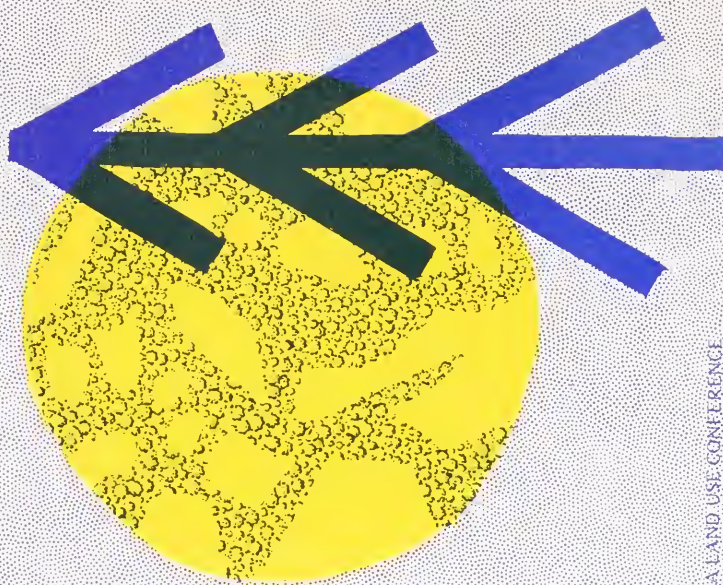
Panelists

Bruce Kelly - Energy Specialist, Massachusetts
 Mike Meloy - Lawyer, Montana Legislative Council
 James A. Rosewitz - Montana Department of Fish and Game
 Richard A. Baer - Consultant, National Council of Churches
 Ray Harrison - Geologist, Cardinal Petroleum Company
 Chris Field - Professor of Geography, University of Montana
 Charles Conklin - Chief author, land use legislation, U.S. House of Rep.
 Martin E. Seneca, Jr. - Associate Professor of Law, University of Utah
 William J. Briggate - Superintendent, Glacier National Park
 Joseph A. McElwain - Executive Vice President, Montana Power Company
 Ken Kelsey - Novelist, Pleasant Hills, Oregon
 Alan Merson - Dept. of Natural Resources, Univ. of Denver College of Law
 Arthur W. Clarkson - Montana Dept. of Health & Environmental Sciences
 Fletcher E. Newby - Director, Montana Environmental Quality Council
 Gary J. Wicks - Montana Dept. of Natural Resources & Conservation
 Harold Price - Montana Dept. of Intergovernmental Relations
 John Reuss - Professor of Government, Montana State University
 Robert H. Jorgenson - Soil Conservation Environmental Team
 Hon. Jean A. Turnage - Montana State Senator, District 17
 Hon. Norman Schoenthal - Alderman, 4th Ward, Billings, Mont.
 Wayne Aspinall - Former U.S. Congressman, Colorado
 Hon. Dorothy Bradley - Montana State Representative, District 11
 Dan Mizner - Montana League of Cities and Towns, Helena, Mt.
 Jean Bowman - Delegate, Montana Constitutional Convention
 Ruth Koch - Member, Montana Wilderness Association, Butte, Mt.
 Hon. Francis Bardonoye - Montana State Representative, District 5
 Richard Hugo - Poet, University of Montana
 Howard Edwards - Vice President, Anaconda Company
 Hon. George Darrow - Montana State Senator, District 8
 Steve Quarles - Chief author, land use legislation, U.S. Senate

Chairman - Hon. Harrison G. Fagg, Billings, Montana
 Conference Director - G. Kimball Hart
 Fletcher Newby, Hon. Alvin Hageman, Arthur Clarkson,
 Hon. Dorothy Bradley

LAND AND ITS USES

THE ETHICS AND POLITICS OF LAND USE ISSUES



MONTANA LAND USE CONFERENCE
Montana Public Program in the Humanities

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